

MEMO ENDORSED

USDS SENY	ARNOLD & PORTER LLP
DOCUMENT	
ELECTRONICALLY FILED	
DOC #:	
DATE FILED: 8/25/08	

Kent A. Yalowitz
Kent_Yalowitz@aporter.com
212.715.1113
212.715.1399 Fax
398 Park Avenue
New York, NY 10022-4690

August 21, 2008

Aug 22 2008

VIA HAND DELIVERY

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Orbit One Communications, Inc., et al. v. Numerex Corp.*,
08 Civ. 905 (LAK)

Numerex Corp. v. Scott Rosenzweig and Gary Naden.
08 Civ. 6233 (LAK);

Dear Judge Kaplan:

This firm represents Numerex Corporation in the two above-referenced actions, which have been consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a).

Defendants Rosenzweig and Naden were served with a Complaint on July 16, 2008, by delivery of the Complaint to their counsel. Counsel accepted service, conditioned on consent by Numerex to a 10-day enlargement for their time to respond to the Complaint. Numerex consented to that request. These agreements are all documented in the Declaration of Service filed August 1, 2008 (courtesy copy enclosed).

Had Rosenzweig and Naden sought a 10-day enlargement on consent, and had the Court granted it, their answer would have been due on August 15, 2008. However, defendants have unilaterally granted themselves an extension of time beyond the time provided by the Federal Rules and beyond the time consented to. They have now asked the Court for yet more time.

Ordinarily, we are quick to consent to requests for professional courtesy. Unfortunately, in this case, at the very same time that defendants' counsel was seeking the professional courtesy of further adjournments beyond those already agreed to, he was making personal attacks on the undersigned, impugning the integrity of the undersigned, personalizing this business dispute, and even using profanity in his dealings with the

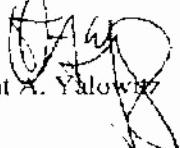
ARNOLD & PORTER LLP

Hon. Lewis A. Kaplan
August 21, 2008
Page 2

undersigned. Given this discourteous conduct, we are not prepared to consent to the further adjournment requested.

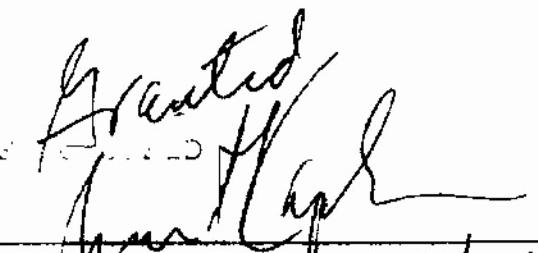
The Court has discretion to grant enlargements of time for good cause. Rosenzweig and Naden have not offered good cause for their default or for their need for nearly two months to respond to the Complaint.

Respectfully submitted,


Kent A. Yalowitz

cc: John McFerrin-Clancy, Esq.
Counsel for Orbit One Communications, Inc.
and David Ronsen

Howard J. Kaplan, Esq.
Counsel for Scott Rosenzweig and Gary Naden



LEWIS A. KAPLAN, P.S.D.J. 8/25/08
